

# In the United States Court of Federal Claims

No. 19-386T  
Filed: August 18, 2020

**CAMERON GREGORY, AND  
KATHLEEN GREGORY,**

*Plaintiffs/Counter-Defendants,*

**v.**

**UNITED STATES,**

*Defendant/Counter-Claimant.*

## **ORDER**

On August 10, 2020, the Court issued an Opinion granting the United States' Motion to Dismiss, pursuant to RCFC 12(b)(1), and directing the parties to file a joint status report on or before August 17, 2020, advising the Court as to how the United States' counterclaims, advanced in its Amended Answer, (ECF No. 25), should be resolved. (ECF Nos. 45 & 47).<sup>1</sup> On August 17, 2020, the parties timely filed their joint status report, explaining that they believe this Court lacks subject matter jurisdiction over the United States' counterclaims because the jurisdiction to hear such counterclaims derives from the Court's jurisdiction over the Complaint, which was dismissed for lack of subject matter jurisdiction. (*See* ECF No. 48). The Court agrees.

This Court's jurisdiction over counterclaims derives from its jurisdiction over the original claims. *See Western Mgmt., Inc. v. United States*, 498 Fed. Appx. 10, 14 n.3 (Fed. Cir. 2012); 28 U.S.C. §§ 1503, 2508. In this case, the Court dismissed the Plaintiffs' Complaint for lack of subject matter jurisdiction. (*See* ECF No. 47). Consequently, the Court lacks subject matter jurisdiction over the United States' counterclaims. Therefore, the Court hereby **DISMISSES** the United States' counterclaims, (ECF No. 25), for lack of subject matter jurisdiction, pursuant to RCFC 12(h)(3).

The Clerk is directed to **ENTER** judgment dismissing the United States' counterclaims, (ECF No. 25), for lack of subject matter jurisdiction, pursuant to RCFC 12(h)(3). The Clerk is further directed to **ENTER** final judgment for Defendant, the United States. Each party shall bear its own costs.

**IT IS SO ORDERED.**

s/ David A. Tapp  
DAVID A. TAPP, Judge

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<sup>1</sup> This opinion was reissued on August 17, 2020 to correct certain typographical errors. (*See* ECF No. 47).